

## GOVERNMENT OF TELANGANA

### ABSTRACT

Tribal Welfare Department – Rangareddy District – Appeal Petition filed by Sri P.Srinivasulu, S/o Late P.Yadagiri Occ: ASI (M), Group Centre, CRPF, Old Airport, Pandila, Phaphamau, Allahabad (U.P), R/o. H.No.13-127, P&T Colony, Dilshuknagar, Hyderabad, filed under Section 7(2) of the Act 16 of 1993, against the Procs.No.C2/6214/2002, dt.11.09.2008 of the Collector & District Magistrate, Ranga Reddy District – uphold the orders passed by the Collector & District Magistrate, Ranga Reddy duly dismissing the Appeal filed by Sri P.Srinivaslu S/o Late P.Yadagiri - The interim stay granted by the Hon'ble High Court in WPMP No.3847 of 2009 in WP No.2996 of 2009 on 16.2.2009 and further continued by final order dated 20.7.2011 becomes inoperative - Orders – Issued.

---

### TRIBAL WELFARE (LTR) DEPARTMENT

**G.O.Ms.No. 40**

**Dated: 31-05-2021,  
Read the following:-**

- 1) Proceedings of the Collector & District Magistrate, Ranga Reddy District Procs.No.C2/6214/2002, dt: 11.09.2008.
- 2) Appeal Petition from Sri P.Srinivasulu, S/o Late P.Yadagiri Occ: ASI (M), Group Centre, CRPF, Old Airport, Pandila, Phaphamau, Allahabad(U.P),R/o. H.No.13-127, P&T Colony, Dilshuknagar, Hyderabad.
- 3) Govt. Memo No.731/CV.2/2009-1, dt.05.02.2009.
- 4) Notice dt. 16.02.2009 from the Asst. Registrar. APHC., Hyderabad. in WP.No. 2996 of 2009 along with Petitioners affidavit.
- 5) Govt. Memo No.731/CV.2/2009-2, dt.13.03.2009, 11.06.2009.
- 6) Order in WPMP No. 3847 of 2009 in WP No. 2996 of 2009 of Hon'ble High court of AP, Hyderabad dated 16.02.2009
- 7) Govt. Memo No.731/CV.2/2009-4, dt. 03.12.2009 & 16.6.2010.
- 8) From GP for SW, Lr. No. WP.2996/09/DSNVPB/SW/HC, dated.13.07.2011.
- 9) Order in in WP No. 2996 of 2009 of Hon'ble High court of AP, Hyderabad dated 20.07.2011.
- 10) Govt. Memo No.731/CV.2/2009, dt. 28.07.2011.
- 11) Govt.D.O Lr No.731/CV.2/2009, Dated: 14.03.2013 & 24.01.2014
- 12) From the Dy. Inspector General of Police,CRPF, Barkas, Chandrayangutta, Hyd. D.O.Lr.No.P.VIII-1/16-GCH-Estt-II, dt:02.07.2016, received on 02.07.2016.
- 13) Govt.D.O.Lr.No.731/CV.2/2009, Dt.23.07.2016.
- 14) Govt.Memo.No.731/CV.2/2009, Dated:07.09.2017.
- 15) Lr.received from o/o the DIGP, Group Centre, CRPF, Hyd. (T.S.), dt: -01-2018
- 16) Govt. Memo.No.731/CV.2/2009, Dated:16.02.2018, 16.07.2019 & 13.11.2019
- 17) Lr. No. R.XIII-1/2016-GCH-Estt-II, dt. 4.1.2020 received from Commandant, GC, CRPF, Hyderabad,
- 18) Govt. Memo.No.731/TW.LTR/2009, Dated:13.01.2020.
- 19) Lr.No. C2/6214/2002, dt.20.01.2020 received from the Collector, (FAC), Rangareddy
- 20) Govt.Lr.No. 731/TW.LTR/2009, Dt:03.02.2020.
- 21) Govt.Appeal Notice No. 731/TW.LTR/2009,Dt:21.09.2020

@@@

### ORDER:

In the reference 1<sup>st</sup> read above, the Collector & District Magistrate Rangareddy in Procs.No.C2/6214/2002, dt:11.09.2008 had issued orders cancelling the bogus ST Kondakapu Caste Certificate bearing No.C/1836/2000, dt.25.3.2000 issued by the Mandal Revenue Officer, Saroornagar, Ranga Reddy District, on the following grounds:

(Contd...2)

- On perusal of records available, the Director of Tribal Welfare, Hyderabad in his findings stated that Sri Paladi Srinivasulu S/o Yadagiri had obtained ST Community Certificate from MRO, Narsaraopet, Guntur District during the year 1992 as Kondakapu Tribe and got appointment in CRPF. The same was referred to the Collector, Guntur and when enquired it through MRO Narsaraopeta, the MRO in his report stated that the individual and his family members are not residing in Narsaraopet Mandal jurisdiction.
- Individual had also obtained two more certificates belonging to Kondakapu Tribe – one from MRO Saroornagar Mandal, RR District dt.01.08.2020 and another from MRO Penuganchiprolu, Krishna District dt.02.08.1990.
- MRO, Penuganchiprolu Mandal, Krishna District in his Lr. Rc.No.B/167/2005, dt.13.10.2005 addressed to the Addl. DIGP Group Center, CRPF, Ranga Reddy District informed that “there are no Kondakapu caste in Penuganchiprolu Mandal. Hence, the opinion is that the certificate was not issued by their office and it is not genuine”. The reason for the findings must be that the certificate issue date was 02.08.1990 and signature of the MRO was not that of T.Srinivasa Rao who worked for the period from July, 1988 to May, 1992, hence this certificate may be treated as Bogus One.
- The Collector, Guntur District in his Lr.L.Dis.No.2166/2002-C-4, dt.25.04.2006 while quoting report of the RDO and MROP concerned informed that neither P.Srinivasulu nor his parents were residing at Narsaraopet. The family left Narsaraopet long back and was residing at Hyderabad. It is true that the caste certificate was issued by the Mandal Revenue Officer, Narsaraopet but on verification of the records it was found that Sri P.Yadagiri F/o P.Srinivasulu had filed a sworn affidavit before the MRO, Narsaraopet and the MRO, and obtained false caste certificate on the strength of the affidavit.
- As could be seen from the documents filed by P.Yadagiri F/o Srinivasulu, MRO Saroornagar Mandal, RR District had issued certificate to Srinivasulu S/o Yadagiri as “Kondakapu” since the family members were residing at Saroornagar vide No.C/1836/2000, dt.25.3.2000. It is not possible to confirm that the caste of Sri P.Srinivasulu S/o yadagiri in the absence of the family members and blood relatives in Narsaraopet Town and Mandal. The MRO Saroornagar has submitted relevant file No.C/1836/2000, dt.25.3.2000 in which it alleged that the certificate was issued by the O/o MRO Saroornagar. On verification of the file, it is established that the said file is no way relevant to the present person Sri P.Srinivasulu S/o Late Yadagiri – therefore, the caste produced by him proved to be false and managed to obtain such fake certificate fraudulently.
- The Collector, RR District addressed the Director, TCR&TI Hyderabad quoting reports of RDO, RER East Division and MRO Saroornagar and also informed that the MRO Saroornagar has issued caste certificate to the individual based on the caste certificate issued by the MRO Narsaraopet Mandal and further that Scheduled Tribe “Kondakapu” is not prevalent in this District. Moreover no record is available in the office of MRO Saroornagar.
- The caste certificate issued by the MRO Narsaraopet Mandal dt.20.08.1992, Guntur District and the sworn affidavit produced by the father of the individual is dt.26.10.1993 – therefore, it is clear that the certificate is not based on the affidavit of the father of the individual. The Caste certificate issued by the MRO Saroornagar Mandal, RR District dt.25.03.2000, if so, how the sworn affidavit

::3::

of the individual dt.26.10.1993 and the certificate issued by the MRO Saroornagar Mandal, RR District dt.25.03.2000 have come into the records of MRO Narsaraopet after issue of caste certificate by MRO Narsaraopet i.e. on 20.08.1992 is not known.

- Both the MROs of Narsaraopet, Guntur District and Saroornagar, RR District have issued the caste certificate to Sri P.Srinivasulu S/o Late P.Yadagiri as belonging to Kondakapu tribe blindly and without any enquiry and have utterly failed in performing their legitimate duty of competent officers in issuing the caste certificate and thus have done great injustice to the genuine tribes and resorted to deprivation of privileges to genuine ST community.
- Further, the MRO Penuganchiprolu Mandal, Krishna District has informed that the certificate of the individual stated to be issued by the then MRO of that Mandal is not genuine as it was not issued by his office, the individual might have obtained the same with connivance of the staff of Mandal Revenue Office, Penuganchiprolu.
- The Superintendent of Police, Guntur District in his Lr.C.No.466/SB-VR/2001, dt.27.05.2001 addressed to the Commandant, 82 Battalion, CRPF, Srinagar (Jammu & Kashmir) C/o 56 APO informed that on enquiry the house owner Malleboina Ramaiah S/o Polaiah, Leninagar, Peddacheruvu, Narsaraopet in whose house P.Yadagiri father of P.Srinivasulu resided stated that they stayed in his house from 1992 to 1994 by doing fruit business and vacated the house during 1994. Later in the first week of May, 2001, the father of the subject came to his house and asked him to inform about their caste as Kondakapu, if everybody enquires. It is learnt that Kondakapu caste is not existing in Guntur District. Hence, the caste certificate of P.Srinivasulu issued by the MRO Narsaraopet is doubtful.
- Therefore, it may conveniently be inferred that the ST status of P.Srinivasulu S/o Late P.Yadagiri as belonging to Kondakapu tribe is prima-facie proved as doubtful and incorrect.
- The renowned writer Edgar Thurston in his book Castes and Tribes of Southern India Volume-III-K under the tribe Konda Dora states that "The Konda Dora are a caste of hill cultivators, found chiefly in Visakhapatnam. Concerning the Surgeon Major W.R.Cornish writes as follows (in Madras Census Report 1871), constraining strangely with the energetic, patriarchal and land reverencing paria (poraja), are the neighbouring indigenous tribes found along the slopes of the eastern ghats. They are known as Konda Dora, Kondakapu and Ojas etc. They are completely at the mercy of late immigrants, so much so that they call themselves Konda Doras they are called by the Bhaktas, their immediate superiors, Kondakapus. If they are found living in a village with no telugu superior, they are known as Doras. If, on the other hand, such a man is at the head of the village affairs, they are to him as *adscript gelbae*, and are denominated Kapus or ryots (cultivators) under the Khond tribe in the same book it is stated that "there is a tribe in Visakhapatnam called Konda Dora or Konda Kapu and these people are also frequently called "Kotuvandulu". All these names are derivatives of the root ko or ku, a mountain. The number of subdivisions returned is 58. The list includes many names of other caste, a fact which must be in part ascribed to the impossibility of distinguishing the true Konds from persons returned as Kondavandlu, Kondalu, Kotuvandluie tc. Terms which mean simply highlanders and are applicable to all the hill tribes.

(Contd...4)

In view of the above, it is clear that Kondakapu is synonym of Konda Doras and are inhabiting the hilly areas of the then Visakhapatnam District which has now become Srikakulam, Vizianagaram and Visakhapatnam Districts.

- As per GO Ms.No.245, Social Welfare Dept. dt.30.06.1997 wherein certain guidelines were issued to the certifying officers of the State for issuing ST Caste Certificates "Kondakapu" is shown as a synonym of Konda Dora tribe and their traditional areas of habitation are Srikakulam, Visahapatnam and East Godavari Districts. Therefore, Guntur, Krishna and Ranga Reddy Districts are not the traditional areas of habitation of Konda Dora tribe from where the individual P.Srinivasulu S/o Late P.Yadagiri obtained his caste certificates and as such his ST status claim is prima-facie doubtful and incorrect.
- Case has been taken up by the DLSC on 25-08-2007, 19-09-2007, 22-09-2007, 6-10-2007, 27-10-2007, 17-11-2007, 01-12-2007, 29-12-2007, 23-02-2008, 15-03-2008, 31-03-2008 and 19-04-2008.
- Counsel for petitioner in his written arguments submitted on 23.02.2008 stated that Sri P.Srinivasulu was born on 27.-10-1971 at Narsaraopet in Guntur District, AP as ST Kondakapu. It is also stated that his forefathers were resided at Visakhapatnam and their family reported to be migrated to Vijayawada in the year 1960 for their livelihood. He further stated that he has obtained ST Kondakapu caste certificate in the name of his father by MLA Madugula Constituency of Visakhapatnam on 30-01-1982.
- Discrete enquiries were conducted by the Director of Tribal Welfare, AP, Hyderabad, the Collector, Guntur Dist and the Superintendent of Police, Guntur Dist. AS per the enquiries, it is clear that Sri P.Srinivasulu, S/o Late Yadagiri managed to get certificate fraudulently and written arguments submitted through his counsel are not convincing and facts mentioned therein are concocted to mislead the officers.
- Recommendations of the DLSC dt.29.4.2008, a Show Cause Notice was issued to Sri P.Srinivasulu S/o Yadagiri to submit his explanation along with unimpeachable evidences, if any, in support of his claim within (15) days – but he failed to submit any explanation. Therefore, it was presumed that there were no documentary evidences or other material at his defence.
- In exercise of the powers conferred U/s.5 (1) of AP (SCs/STs & BCs) Regulation of Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 as communicated vide GO Ms.No.58, SW (J) Dept. dt.12.5.1997, the bogus ST "Kondakapu" caste certificate obtained by Sri P.Srinivasulu S/o Yadagiri from the MRO Saroornagar Mandal vide File No.C/1836/2000, dt.25.3.2000 was cancelled declaring that he does not belong to ST Kondakapu.

As seen from the explanation of the individual to the Show Cause Notice issued by the District Collector, Ranga Reddy District in reference No.C2/6214/2002, dt.16.6.2008 through his counsels Sri B.Ashokvardhan Reddy & K.Nagarjuna Rao, R/o H.No.2-1-388/3, Nallakunta, Hyderabad, it was submitted as follows:

- The Show Cause Notice dt.16.6.2008 was served on their client on 23.8.2008.
- The Show Cause Notice dated 16.6.2008 is not in accordance with the law of land, principles of natural justice and the same was issued arbitrarily without considering the material facts and the records. Therefore, the Show Cause Notice dated 16.6.2008 is not valid in the eye of law, in view of the following grounds:

(Contd...5)

- The client was born on 27.10.1971 at Narsaraopet, Guntur District, AP in the ST community i.e. 'Kondakapu' where his parents were residing at that time. His forefathers were living in the agency and hilly areas around Visakhapatnam District by collecting honey. Originally, his grandfather Shri P.Ramulu was the resident of Agency area of Visakhapatnam District who migrated to Vijayawada along with his family members in the year 1960 in search of livelihood and they have resided at Vijayawada till 1970. At Vijayawada, his grandfather's brother and his grandmother and other relatives died in Krishna Lanka Katta Floods in the year 1969. Thereafter, his grandfather along with client's father P.Yadagiri shifted to Narasaraopet, Guntur District, for their livelihood and thereafter his grandfather lived upto 2001. Client's father namely Shri P.Yadagiri studied upto Matriculation in A.C.College, Guntur under Andhra University, Waltair and the same was completed in the year 1974. The certificates issued by the Andhra University disclose that his father belongs to "Konda Kapu" which was already enclosed to the Scrutiny Committee. It is submitted that his father joined in Govt. Service as peon in Industrial Training Institute on 5.10.1966 wherein his father's sub-caste was shown as 'Konda Kapu' (ST) and the copy of his service book obtained from Principal, Industrial Training Institute, Srisailem was also filed for kind perusal of the Scrutiny Committee. Our client's father's caste certificate issued by M.L.A. Madugula Constituency, Visakhapatnam dated 30.1.1982 was also filed. The caste certificate issued by the said MLA also discloses that his father belongs to Kondakapu ST community. The G.O.Ms.No.880, dated 17.10.1975 contemplates that MLAs, MLCs and MPs are competent to issue the community certificate for SCs, STs & BCs for the purpose of appointment to the Services and admissions in the Educational Institutions etc. Therefore, the certificate issued by the MLA Madugula Constituency, Visakhapatnam is legally valid document and acted upon. It is submitted that their client has joined in the school education in the year 1976 at SSN Municipal Elementary School at Narasaraopet and the school records also discloses his sub-caste is Kondakapu in ST community. Xerox copy of the school record was already filed before the Committee. Their client states that he studied upto 8<sup>th</sup> class at Narasaraopet and thereafter he joined 9<sup>th</sup> class at New Model High School at Dilsuknagar, Hyderabad, where he has completed his intermediate education in 1992. Their client obtained caste from the Mandal Revenue Officer, Narasaraopet since his family resided for several years there. Upon the application made by their client, basing on the affidavit, caste certificate & declaration by his client's father and verification from the concerned Village Officer before three independent witnesses and basing on the enquiry report, the MRO Narasaraopet has issued a caste certificate stating that their client belongs to Kondakapu ST on 20.8.1992. The contention that the MRO Narasaraopet might have issued the Caste Certificate only on the strength of affidavit filed by their client is absolutely false, baseless and incorrect as the MRO Narasaraopet has issued the caste certificate to their client after perusal of various documents furnished by their client as stated above. Therefore, the stand taken by the authority is not sustainable in the eye of law.
- Their client has been appointed as Asst. Sub-Inspector (M) in the Central Reserve Police Force in the month of January, 1995 on merit and basing on his caste certificate issued by the Mandal Revenue Officer, Narasaraopet on 20.8.1992, after joining into service, the office of Commandant-82 Battalion, CRPF, Srinagar Jammu asked the Mandal Revenue Officer, Narasaraopet to verify their client's caste certificate, whether the same has been issued by them or not on 20.8.1992. At the request of the Commandant, 82 Battalion the MRO has conducted enquiry and given a report to the Commandant, 82 Battalion stating that the caste certificate issued to their client is a genuine one. After receiving the MROs report, the Commandant without considering the same again ordered re-verification and

addressed a letter to the District Collector, Guntur. Accordingly, the District Collector, Guntur has directed the RDO Narasaraopet to enquire into the matter and submit a report. As per the instructions of District Collector, the RDO has re-directed the MRO to enquire into the matter and give a report. The MRO Narasaraopet has conducted a detailed local enquiry through Revenue Inspector by taking statements from the previous House-owner i.e. Ramaiah, Ramachandra Rao, VAO and Shri J.V.Prasad, Ex-Councillor along with two witnesses on 5.9.2002 and 7.9.2002, in the said enquiry the witnesses have categorically stated that their client's father and himself belong to 'Kondakapu' Caste and resided for several years in the locality. All the affidavits as stated above were already filed before the Scrutiny Committee by their client, but without considering the same, the Hon'ble Authority has issued the present impugned show-cause notice. Basing on the report of Revenue Inspector, the MRO, Narasaraopet has confirmed that their client belongs to 'Kondakapu' ST community and submitted report to the RDO, Narasaraopet. Their client has filed an application U/s.151 CPC before the Scrutiny Committee seeking the relief to call for the records vide file No.NRC No.601 of 2002-C dated: 19.8.2002 from the office of RDO Narasaraopet but the said application is kept pending till date. Without recalling the records from the office of R.D.O. Narasaraopet, this authority has issued the present impugned show-cause notice which is contrary to the provisions of law and principles of natural justice. Basing on the said reports the RDO has submitted his report to the District Collector, Guntur and basing on the report submitted by RDO, Narasaraopet, the District Collector, Guntur had sent a report to the Commandant, 82 CRPF requesting him to refer the matter to the Collector, Ranga Reddy District, as their client's family members are not residing at Narasaraopet. But on the other hand the Collector, Guntur district has clearly stated that his caste certificate was issued by the MRO Narasaraopet who is the competent authority. Therefore, it is clear that their client's caste certificate is a genuine and bonafide and it cannot be doubted. But this Hon'ble Authority failed to appreciate the above said facts and circumstances in its right perspective and mechanically issued the present show-cause notice which is not valid in the eye of law.

- Their client after joining his service, in the year 2000 he had made an application and obtained fresh caste certificate from the Mandal Revenue Officer, Saroor Nagar, Ranga Reddy District, as his family was residing in the locality since long time. After due enquiry and basing on the previous caste certificate submitted by him and also sworn affidavit and declaration given by his father, the MRO Saroornagar has issued a caste certificate to their client stating that he belongs to Kondakapu ST community. The said certificate was also submitted in his office. It is further submitted that upon the request of the Commandant, 82 Battalion, the District Collector and RDO East Division, the MRO Saroornagar Mandal has submitted a report dated 11.10.2002 stating that their client's father P.Yadagiri belongs to Kondakapu and also stated that basing on the material stated supra produced by the applicant, the then MRO Saroornagar has issued a caste certificate as Kondakapu ST. All these facts categorically constitute that their client belongs to Kondakapu ST community and the certificate issued by the MRO Narasaraopet and MRO Saroornagar are the genuine one and not obtained by fraud. Therefore, issuance of show-cause notice is illegal, unlawful and void ab initio.
- As a matter of fact, their client's father late P.Yadagiri who died in the month of October, 2007 joined Govt. service i.e. Industrial Training Institute at Srisailem on 7.10.1966 basing on the Community Certificate i.e. Kondakapu ST and he had successfully completed his entire service of 40 years and retired from service in the year 2005 as Senior Assistant. At no point of time his father's caste certificate

was doubted by the authorities while considering for various promotions. Even as on today, there is no single complaint against him regarding genuineness of the caste certificate. But the Commandant, 82 Battalion mechanically and in a routine manner, without considering the enquiry report submitted by the MRO Narasaraopet and District Collector, Guntur ordered for re-enquiry which has no basis. Even otherwise, the caste certificate issued by the concerned M.L.A. to their client's father basing on the affidavit and declaration given by his grandfather is a legally valid and stands good as the MLA is the competent authority under the provisions of GO Ms.No.880 of 1975. Therefore, without there being any hesitation their client's caste certificate is to be considered. In the impugned notice, it was contended that as per enquiry conducted by the Tribal Welfare, the authority has come to a conclusion that their client has got the certificates fraudulently. It is the settled legal proposition that the Director or Commissioner of Tribal Welfare is not the competent authority to enquire into the correctness of the community certificates. But, this Authority has issued the impugned notice basing on the enquiry report submitted by the Director, Tribal Welfare and others. In support of his claim, their client has already filed a number of documents before the Scrutiny Committee and the same may be read as part and parcel of this explanation. Therefore, the present show-cause notice is not sustainable in the eye of law and is liable to be set aside in the interest of justice.

2. Aggrieved by the orders of the District Collector, Ranga Reddy District in Procs.No.C2/6214/2002, dated 11.09.2008, the Appellant Sri P.Srinivasulu, S/o Late P.Yadagiri, aged: 39 years, Occ: ASI (M), Group Centre, CRPF, Old Airport, Pandila, Phaphamau, Allahabad (UP) R/o H.No.13-127, P&T Colony, Dilshuknagar, Hyderabad has filed Appeal before the Government in Tribal Welfare, in the reference 2<sup>nd</sup> cited, U/s. 7 (2) (4) of AP (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997, urging the following grounds:

- The appeal has been made aggrieved by the order passed in proceedings No.C2/6214/2002, dated 11.09.2008 on the file of the respondent No.1 District Collector, Ranga Reddy District in cancelling the Caste Certificate as 'Konda Kapu' a Scheduled Tribe community on the recommendation of the District Level Scrutiny Committee, without conducting any enquiry as envisaged under the provisions of the AP (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and the Rules 1997 made there-under and contrary to Rule 8 (d) (1) to (7) more particularly without calling for the records from the Mandal Revenue Officer, Narsaraopet Mandal of Guntur District, is arbitrary, illegal, violation of principles of natural justice and to set-aside the same and to pass such other orders.
- He has been appointed as Assistant Sub-Inspector (Ministerial) in the CRPF, in the month of January, 1995 on merit basing on the Caste Certificate issued on 20.08.1992 by the Mandal Revenue Officer, Narsaraopet Mandal of Guntur District as "Konda Kapu" a Scheduled Tribe Community after conducting due enquiry. Since the date of appointment, he worked with office of respondent No.4 (Commandant Officer, O/o Commandant Office, 82 Battalion, CRPF, Srinagar, Jammu & Kashmir C/o 56 APO) and now working with fifth respondent (DIGP Group Centre, CRPF, Old Air Port, Pandila, Allahabad-UP). Basing on the anonymous complaint that he got appointment on a bogus caste certificate as 'Konda Kapu' a Scheduled Tribe Community obtained in the year 2000 from the Mandal Revenue Officer, Saroornagar Mandal of Ranga Reddy District, the Respondent No.4 addressed a letter to the respondent No.1 to verify and report back to the office, who in turn referred the matter to the Director of Tribal Welfare for conducting preliminary enquiry. The Director, Tribal Welfare without

(Contd...8)

conducting proper enquiry submitted a report expressing doubtful about the status of his certificate as 'Konda Kapu' to the respondent No.1 as such referred the matter to the DLSC for conducting detailed enquiry as envisaged under the provisions of the Act and Rules for passing appropriate orders and taking necessary action.

- He submitted that he was born on 27.10.1971 in Scheduled Tribe Community i.e. "Konda Kapu" (ST) at Narasaraopet, Guntur District, where his parents were residing at that time. The fore-fathers of his family were living in the agency and hilly areas of Visakhapatnam District by collecting honey. His grandfather late P.Ramulu was resident of Agency Area of Visakhapatnam District who migrated to Vijayawada along with his family members in the year 1960 in search of livelihood and they resided at Vijayawada till 1970. At Vijayawada, his grandfather's brother, grandmother and other relatives died in "Krishna Lanka Katta Floods" in the year 1969. Thereafter, his grandfather along with his father P.Yadagiri shifted to Narsaraopet, Guntur District, in search of safety and livelihood.
- His father namely P.Yadagiri studied upto Matriculation in A.C. College, Guntur under Andhra University, Waltair and the Certificate issued by the Andhra University discloses that the Community and the Sub-caste of his father is Scheduled Tribe "Konda Kapu" and the same is enclosed for kind perusal. His father joined in Govt.Service as Peon in Industrial Training Institute, Srisailem on 5.10.1966 and retired as Senior Assistant in the year 2005. His father successfully completed his service and at no point of time, his father Caste Certificate as "Konda Kapu" was doubted while considering for his promotions. The copy of Service Book of his father was filed for kind perusal of the Scrutiny Committee along with the Caste Certificate issued by local MLA of Madgula Constituency, Visakhapatnam dated 30.01.1982, but the same was not taken into consideration by the DLSC at the time of enquiry.
- He joined in school in the year 1976 at SSN Municipal Elementary School at Narsaraopet and the school records also disclose that his sub-caste is "Konda Kapu" a Scheduled Tribe Community. He studied upto 8<sup>th</sup> class at Narsaraopet, Guntur District and thereafter temporarily shifted to Hyderabad and joined in 9<sup>th</sup> class New Model High School, Dilshuknagar, Hyderabad. He completed Intermediate Education in the year 1992. After completion, he went to his birth place where his parents and family members were residing at Narsaraopet, Guntur District, there he applied for the Caste Certificate basing on the Declaration and Caste Certificate of his father, after the verification of Village Officer before three independent witnesses and upon enquiry report, the Mandal Revenue Officer, Narsaraopet issued the Certificate to him as sub-caste "Konda Kapu" of Scheduled Tribe on 20.08.1992. The said Caste Certificate was issued to him in accordance with the provisions of the Act and law at that time. The Caste Certificate granted in the year 1992 is permanent one under the Act as per Rule 16 and the same is subsisting.
- He was appointed as Assistant Sub-Inspector (Ministerial) in the Central Reserve Police Force in the month of January 1995 on merit basing on the Caste Certificate issued as "Konda Kapu" (ST) by the Mandal Revenue Officer, Narsaraopet Mandal, Guntur District in the year 1992 and now working with the Fifth Respondent. After joining the Service, the Officer, O/o Respondent No.4 addressed a letter and asked the Mandal Revenue Officer, Narsaraopet Mandal, to verify the Caste Certificate submitted by him – whether it is genuine or not. Accordingly, an enquiry was conducted and submitted a report to the Office of



respondent No.4. That after receiving the report from the Mandal Revenue Officer, Narsaraopet Mandal, Guntur District, the Commandant without considering the same, again ordered for re-verification of the Certificate by addressing a letter to the District Collector, Guntur. The District Collector, Guntur directed the R.D.O. Narsaraopet to enquire into the matter once again and submit a report. As per the directions of the Collector, the R.D.O. Narsaraopet has re-directed the Mandal Revenue Officer, Narsaraopet Mandal, for conducting enquiry, accordingly conducted a detailed local enquiry through Revenue Inspector, by taking statements from the previous owner Ramaiah where his parents and family lastly resided, Ramachandra Rao VAO and Sri JV Prasad, Ex-Councillor along with two other witnesses on 5.9.2002 and 7.9.2002 and submitted a report. In the enquiry report, it has been confirmed that he belongs to Sub-caste "Konda Kapu" of Scheduled Tribe Community. Basing on the said reports, the RDO submitted a report to the Collector, Guntur District who in turn sent a report to the Office of respondent No.4 to refer the matter to the Collector, Ranga Reddy District, as his parents and family members were not residing at Narsaraopet town and Mandal, but migrated and residing at Saroornagar, Ranga Reddy District. At the same time, it was made clear that the Caste Certificate was issued by the Mandal Revenue Officer, Narsaraopet of Guntur District.

- After joining service, in the Office of respondent No.4 in the year 1995, his parents and family shifted the residence and migrated to Gaddiannaram, Saroornagar (M), Ranga Reddy District due to transfer of his father to Shadnagar. Thereafter, in the year 2000, for taking Nativity and Community Certificate to his children's education purpose, he made an application to the Mandal Revenue Officer, Saroornagar Mandal for obtaining Nativity Certificate as proof of his Permanent residential address. The Mandal Revenue Officer, Saroornagar Mandal, Ranga Reddy issued the Community, Nativity and Date of Birth Certificate in the year 2000 basing on the previous caste certificate issued by him along with sworn affidavit and the declaration given by his father that he belongs to "Konda Kapu" (ST) Community. The said certificate was also submitted in office to show his proof of permanent residential address wherein it was endorsed that he belongs to "Konda Kapu" (ST) Community. He further stated that he had not obtained any Caste Certificate from the Mandal Revenue Officer, Penuganchiprolu Mandal of Krishna District as averred in the report and the same had been created to complicate the issue.
- He submitted that on the report of the Collector, Guntur District that his family members were not residing at Narsaraopet town and migrated to Saroornagar Mandal of Ranga Reddy District, it was not possible to confirm the caste in the absence of his family members and blood relatives in Narsaraopet town & Mandal of Guntur District. As such a letter was addressed to the Collector, Ranga Reddy District by the Office of respondent No.4 for verification of the Caste Certificate as his family members are residing at Saroornagar, Ranga Reddy District.
- He submitted that basing on the said letter and anonymous complaint to respondent No.4 that he got appointment on a bogus caste certificate as "Konda Kapu" a Scheduled Tribe Community taken in the year 2000 from the Mandal Revenue Officer, Saroornagar Mandal of Ranga Reddy District, the Respondent No.4 addressed a letter to the respondent No.1 to verify and report back to the office, for taking necessary action against him. Therefore, the respondent No.1 in turn referred the matter to the Director of Tribal Welfare for conducting preliminary enquiry and to place the report. The Director, Tribal Welfare without

conducting proper enquiry submitted a report expressing doubtful about the status of his caste certificate as "Konda Kapu" to the respondent No.1 as ST Community and their traditional areas of habitation are Srikakulam, Visakhapatnam and East Godavari District. Therefore, Guntur, Krishna and Ranga Reddy District are not the traditional areas of habitation of "Konda Dora Tribe" from where he obtained certificates, as such requested to refer the matter to the District Level Scrutiny Committee for conducting enquiry as envisaged under the Act and the Rules, without taking into consideration the Chief affidavit filed on 17.11.2007 along with necessary documents, Petition filed to call for the records from the Office of Mandal Revenue Officer, Narsaraopet Mandal of Guntur District, explanation submitted to Show Cause Notice, the respondent NO.1 erred in cancelling the caste certificate of the appellant in proceedings No.C2/6214/2002 dated 11.09.2008 on the recommendation of the District Level Scrutiny Committee contrary to the provisions of the Act and the Rule 8.

- The Respondent No.1 or the District Collector failed to see that there is no bar under the Constitution from migrating from one place to another place and further there is no bar under the Act and the Rules for issuing a Caste Certificate to a Person or Candidate, if migrates from one place to another place within the State. Further, the status of the person cannot change merely migrating from one place to another place within the State. The Respondent No.1 or District Collector failed to see that if a Scheduled Tribe Community Candidate or any other Community migrates from one District to another District within the State, the said candidate cannot lose the status of a Scheduled Tribe Community or for that matter any other Community. The Respondent No.1 or District Collector failed to consider that the Certificate issued to him in the year 1992 is permanent one under Rule 16 and the same is subsisting on which he had been appointed and now working with the fifth respondent. By mere cancellation of the subsequent certificate issued in the year 2000, he does not lose the status as "Konda Kapu" a Scheduled Tribe Community.
- The documents filed along with grounds of appeal and all the material filed before the respondents may be read as part and parcel of the affidavit.
- He submitted that he and his family members are solely dependent on him and his earnings after the death of his father in October, 1997, and if the above order is allowed to stand, without passing any orders on the caste certificate issued in the year 1992, it will cause irreparable loss, untold hardship and great injustice.
- In view of the above stated facts and circumstances, he prayed that Authority to pass suspension order of proceedings No.C2/6214/2002 dated 11.09.2008 on the file of respondents 1 to 3 (Collector, RR District, Joint Collector/DLSC, RR District and Tahsildar/MRO Saroornagar Mandal) pending disposal of the above appeal and prayed to pass such other order or orders as the Hon'ble Authority deems fit and proper in the circumstances of the case.

3. In the reference 3<sup>rd</sup> cited, Government was rejecting the stay sought for by the Appellant, sent a copy of Appeal to the District Collector, Ranga Reddy District with instructions to furnish para-wise remarks and connected original records for disposal of the appeal.

4. In the reference 4<sup>th</sup> cited, Sri P.Srinivasulu, the Appellant herein, has filed WP No.2996 of 2009 before the Hon'ble High Court of Judicature of Andhra Pradesh at  
(Contd...11)

Hyderabad praying to issue Writ, Order, direction of the Writ more particularly one in the nature of Writ of Mandamus declaring action of the 1<sup>st</sup> respondent (i.e. Principal Secretary to Govt. Tribal Welfare Department, Govt of AP, Hyderabad) in rejecting the stay application without giving hearing opportunity and giving reasons vide Memo.No.731/CV.2/2009-1, dated 5.2.2009 and impugned proceedings File No.C2/6214/2002, dated 11.09.2008 issued by the 2<sup>nd</sup> respondent (i.e. District Collector, Ranga Reddy District) is illegal, arbitrary, unjust and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.

Upon filing the above WP, the Hon'ble High Court issued Rule Nisi directing the 1<sup>st</sup> respondent (i.e. Principal Secretary, TW Department, GoAP, Hyderabad) to send records and also to appear personally or by Advocate on 24.3.2009 to show cause as to why the petition should not be complied with.

5. In the reference 5<sup>th</sup> cited, the District Collector, Ranga Reddy District was requested to furnish para-wise remarks and connected records in WP No.2996/09 filed by the Appellant direct to the Govt. Pleader for Social Welfare, APHC and render all assistance in preparing the draft counter and after its approval to file fair counter before the APHC on behalf of respondents 1 to 4 immediately. The Government Pleader for Social Welfare, High Court of AP, Hyderabad was requested to enter appearance and contest the case on behalf of all the respondents in the above said WP and take necessary action and reminded in the reference 7<sup>th</sup> cited.

6. In the reference 6<sup>th</sup> cited, the Hon'ble High Court in its order dated 16.02.2009 in WPMP No.3847 of 2009 in WP No.2996 of 2009 granted interim suspension as prayed for by the Appellant.

7. In the reference 9<sup>th</sup> cited, The Hon'ble High Court disposed the WP No.2996 of 2009 filed by the Appellant herein, on 20.7.2011 making the following order:

"Feeling aggrieved by rejection of his stay application vide Memo.No.731/CV.2/2009-1, dated 05.02.2009 of respondent No.1, the petitioner filed the present Writ Petition.

Claiming that the petitioner belongs to Kondakapu community, he has secured the job of Assistant Sub-Inspector (Ministerial) in the Central Reserve Police Force. The community certificate of the petitioner was referred to the District Level Scrutiny Committee on whose report respondent No.2 passed order dated 11.09.2008 cancelling the said certificate by holding that the petitioner does not belong to Kondakapu community. The petitioner filed an appeal before respondent No.1. The stay application filed by the petitioner in the appeal having been rejected, he filed the present Writ Petition.

A perusal of the impugned memo shows that except stating in the subject on the top of the order that the stay has been rejected, the order proper does not either indicate such rejection or reasons for such rejection. It shows that parawise remarks have been called for on the appeal filed by the petitioner. This Court, by order, dated 16.02.2009, has suspended the order of respondent No.2 cancelling the petitioner's community certificate. The said order is in force for more than two years. Even though on the previous occasion, the learned Government Pleader for Social Welfare has taken adjournment to report to the Court on the stage of the appeal, he is unable to specify the stage of the appeal before respondent No.1. However, the learned counsel for the petitioner stated

that the appeal is still pending. Since the appeal is pending before respondent No.1 and the interim order granted by this Court is in force, pending the Writ Petition, it is appropriate that respondent No.1 disposes of the appeal as expeditiously as possible.

Accordingly, the Writ Petition is disposed of with the direction to respondent No.1 to dispose of the appeal within a period of two months from the date of receipt of this order, after giving the petitioner an opportunity of being heard. Till disposal of the appeal, interim order, dated 16.02.2009, shall be continued.

As a sequel to disposal of the Writ Petition, WPMP No.3847 of 2009 and WVMP No.3786 of 2009 are disposed of as infructuous."

8. In the reference 10<sup>th</sup> cited, the District Collector, Rangareddy was requested to furnish the parawise remarks and connected original records to the Government for disposal of the Appeal petition filed by Sri P. Srinivasulu. And also requested to depute a concerned official along with connected records to O/o the GP for SW to prepare counter Affidavit on the in WP No. 2996 of 2009 filed by Sri P. Srinivasulu S/o Late P. Yadagiri, CRPF, in consultation with the GP for SW and after approval file fair counter affidavit in the Hon'ble Court. The District Collector, Rangareddy was informed that as per Act 16 7(4) of 1993 the Government is competent to stay the operation of the order against which an appeal or review, as the case may be, is filed. The GP for SW, APHC, Hyderabad was also requested to file the counter affidavit and after approval file the same before the Hon'ble High Court and to see that the said WP is disposed off.

9. In the reference 11<sup>th</sup> cited, the District Collector, Rangareddy was requested to look into the matter personally and arrange to furnish report and parawise remarks as called for therein to Government, immediately without further delay, so as to enable the Government to take necessary action on the Appeal Petition filed by Sri P. Srinivasulu S/o Late P.Yadagiri and reminded in the reference 13<sup>th</sup> cited.

10. In the reference 12<sup>th</sup> & 15<sup>th</sup> cited, the Dy.Inspector General of Police, CRPF, Hyderabad has requested the Government a decision taken on the appeal submitted by above ASI (M) i.e Sri P. Srinivasulu S/o Late P.Yadagiri may be intimated to their office at the earliest so that further course of action can be taken accordingly.

11. In the reference 14<sup>th</sup> cited, the District Collector, Rangareddy District was once again requested to arrange to furnish report and para-wise remarks as called for therein to Government, immediately without further delay, so as to enable the Government to take necessary action on the Appeal Petition filed by Sri P. Srinivasulu S/o Late P.Yadagiri and reminded in the references 16<sup>th</sup> & 18<sup>th</sup> cited.

12. The para-wise remarks with original file bearing No.C2/6214/2002 have been received from the Collector, Ranga Reddy District through the reference 19<sup>th</sup> cited, which runs as follows:

- i) The Director of Tribal Welfare, Hyderabad reported that Sri Paladi Srinivasulu S/o Yadagiri had obtained ST community certificate from MRO, Narasaraopet, Guntur during 1992 as Kondakapu Tribe and got appointment in CRPF. It was referred to the Collector, Guntur and in turn the MRO Narasaraopet who inquired reported that the person and his

(Contd...13)

family members were not residing at Narsaraopet. The appellant had also obtained two more certificates belonging to Kondakapu Tribe one from MRO Saroornagar Mandal, RR District on 1.8.2000 and another from MRO Penuganchiprolu Mandal, Krishna District on 2.8.1990. The MRO Penuganchiprolu Mandal, Krishna Dist. in his ref.No.B/167/2005, dt.13.10.2005 addressed to the Addl. D.I.G.P. Group Centre, CRPF Ranga Reddy district, informed that there are no Kondakapu caste in Penuganchiprolu Mandal. Hence, the opinion is that the certificate not issued by their office and it is not genuine for the reasons that the certificate dated was 02.08.1990 and that the signature of the MRO was not of Sri T.Srinivas Rao, who worked as MRO from July, 1988 to May, 1992, as such the said certificate is bogus one.

- ii) The Collector, Guntur District in his ref.L.Dis.No.2166/2002-C4, dt.25.4.2006 while quoting report of RDO and MRO concerned, informed that neither Srinivasulu nor his parents were residing at Narsaraopet and the family left Narasaraopet long back and residing at Hyderabad. The appellant obtained the caste certificate from the MRO Narsaraopet Mandal by filing false affidavit before the MRO. The then MRO Saroornagar Mandal stated to have issued caste certificate No.C/1836/2000 dt.25.3.200 to the appellant as "Kondakapu" since the family members were residing at Saroornagar, but on verification of above file, it is evident that the said file is not relevant to issue of caste certificate to the appellant herein, and therefore, the caste certificate produced by him proved to be false and managed to obtain such fake certificate fraudulently. Therefore, this respondent the Director of TCR&TI quoting reports of RDO, Rangareddy East Division and MRO Saroornagar and also informed that the MRO had issued the certificate to the individual based on the caste certificate issued by the MRO Narsaraopet Mandal and further that the ST Kondakapu is not prevalent in this district. Moreover no record in this respect available in the office of Mandal Revenue Officer, Saroornagar Mandal.
- iii) The Mandal Revenue Officers of Narasaraopet, Guntur District and Saroornagar Mandal of Ranga Reddy District have issued the caste certificate to the appellant as belonging to "Kondakapu" tribe without any proper enquiry and have utterly failed to performing their legitimate duties of competent officer in issuing the said caste certificates and thus have done injustice to the genuine tribes and resorted to deprivation of privileges to genuine S.T. community. As per the report of MRO Penuganchiprolu Mandal, Krishna District, the certificate stated to was issued by the then MRO Penuganchiprolu Mandal is not genuine, as it does not bear the signature of the then MRO who worked as on the date of issue of said certificate and it appears that the said certificate was obtained in collusion with the staff of the MRO office. The Superintendent of Police, Guntur District, in his ref.No.C/466/SB-VR/2001 dt.27-5-2002 addressed to the Commandant, 82 Battalion, CRPF Srinagar (Jammu & Kashmir) C/o 56 A.P.O. informed that on enquiry the house owner one Malleboina Ramaiah S/o Polaiah, Lenin Nagar, Peddacheruvu, Narasaraopet in whose house the appellant's father resided, stated that they have stayed in his house from 1992 to 1994 by doing fruit business and have vacated the house during 1994. Later in the first week of 2001, the father of appellant came to his house and asked him to inform about their caste as Kondakapu, if anybody enquires. It is learnt that Kondakapu caste does not exist in Guntur District. Hence the caste certificate of the appellant issued by MRO Narasaraopet is doubtful.

(Contd...14)

- iv) Therefore, it may conveniently be inferred that the S.T. status of the appellant as belonging to Kondakapu tribe is prima-facie proved as doubtful and incorrect. The renowned writer Edgar Thurston in his book "Castes and Tribes of Southern India, Volume-III-K" under the Konda Dora states that "The Konda Dora is a caste of hill cultivators, found chiefly in Visakhapatnam". Concerning the Surgeon Major W.R.Cornish writes in Madras Census Report 1891, that constraining strangely with the energetic, patriarchal and land reverencing paria (Poraja) are the neighbouring indigenous tribes found along the slopes of the eastern ghats. They are known as Konda Doera, Kondakapu and Ojas etc. They are completely at the mercy of late immigrants, so much so that though call themselves Konda Doras they are called by the Khaktas, their immediate superiors, Kondakapus. If they are found living in a village with no telugu superior, they are known as Doras. If, on other hand, such a man is at the head of the village affairs, they are to him as **adscript gelbae**, and are denominated Kapus or ryots (cultivators) under the Khond tribe in the same book it is stated that "there is a tribe in Visakhapatnam called Konda Dora or Konda Kapu and these people are also frequently called as "Kotuvandulu". All these names are derivatives of the root ko or ku, a mountain. The number of sub-divisions returned is 58. The list includes many names of other castes, as fact which must be in part ascribed to the impossibility of distinguishing the true Konda from persons returned as Kondavandlu, Kandalu, Kotuvandu etc., terms which mean simply highlanders and are applicable to all the hill tribes.
- v) As mentioned in above paras, it is clear that Kondakapu is synonym of Konda Doras and are inhabiting the hilly areas of the then Visakhapatnam District, which has now become Srikakulam, Vizianagaram and Visakhapatnam districts. As per G.O.Ms.No.245, Social Welfare (E) Dept., dt.30.6.1997 wherein certain guidelines were issued to the certifying officer of the State for issuing S.T. certificates "Kondakapu" is shown as a synonym of Konda Dora tribe and their traditional areas of habitation are Srikakulam, Visakhapatnam and East Godavari Districts. Therefore, Guntur, Krishna and Ranga Reddy districts are not the traditional areas of habitation of Konda Dora tribe from where the appellant obtained his caste certificates and as such his S.T. status claim is prima-facie doubtful and incorrect.
- vi) This case was taken up under DLSC and notices were issued to all concerned officers, complainant and alleged certificate holder fixing dates of hearing on 25.8.2007, 19.9.2007, 22.9.2007, 6.10.2007, 27.10.2007, 17.11.2007, 1.12.2007, 29.12.2007, 23.2.2008, 15.3.2008, 31.3.2008 and 19.4.2008. Counsel for appellant filed written arguments on 23.2.2008 stating that the appellant was born on 27.10.1971 at Narsaraopet in Guntur District, AP as ST Kondakapu. His forefathers resided at Visakhapatnam and their family reported migrated to Vijayawada in 1960. His father obtained ST Kondakapu caste certificate from MLA Madugula Constituency of Visakhapatnam District on 30.01.1982. Discrete enquiries were conducted by the then Director of Tribal Welfare, AP, Hyderabad, the Collector and Superintendent of Police, Guntur District wherein it was established that the appellant managed to get the certificates fraudulently and written arguments submitted by his Counsel are not convincing and the facts mentioned therein are concocted to mislead the officer and there are no valid grounds to believe that the appellant belongs to ST Kondakapu – the certificates deserve cancellation.

- vii) Therefore, evident that the appellant herein has obtained caste certificate No.C/1836/2000, dt.25.3.2000 from MRO Saroornagar Mandal fraudulently by misrepresenting the facts before the authorities for securing employment thereby benefits of special provisions for advancement of the STs will be hampered. The DLSC opined that the certificate issued by the MRO Saroornagar Mandal, RR district vide No.C/1836/2000, dt.25.3.2000 in favour of the appellant is liable to be cancelled. A copy of finding of DLSC dt.29.4.2008 was given to the appellant for making representation with evidences if available and a show cause notice was issued.
- viii) In response to the said show cause notice, he failed to submit any explanation as it was presumed that there were no evidences at his defence. Therefore, exercising powers conferred U/s.5 (1) of AP (SCs/STs & BCs) Regulation of Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 as communicated vide GO Ms.No.58 of SW (J) Department, dt.12.5.1997, the bogus ST Kondakapu caste certificate obtained by him from the MRO Saroornagar in file No.C/1836/2000, dt.25.3.2000 was cancelled declaring that he does not belong to ST Kondakapu through prcgs.No.C2/6214/2002, dt.11.9.2008.
- ix) Father of appellant stated studied upto Matriculation in A.C.College, Guntur under Andhra University, Waltair – certificate issued by University discloses his community and sub-caste as ST Kondakapu – his father stated as joined as Peon in Industrial Training Institute, Srisailam on 5.10.1966 and retired as Senior Assistant in 2005 – at no point of time his father caste was doubted while considering for his promotions. His caste certificate was issued by MLA of Madgula Constituency, Visakhapatnam dated 30.01.1982. The certificate issued by the then local MLA may be on certain recommendation but on any enquiry or personal knowledge and the said certificate is not valid under law unless caste of appellant or his father is proved as Kondakapu community.
- x) As regards caste of appellant is stated to be recorded in educational institutions as ST Kondakapu, at the time of primary education, the institution used to record the caste of any individual as declared by his parents and the said caste will be continued in subsequent institutions where the student studies. Therefore, the said entries are not authenticated and burden of proof lies with the appellant only.
- xi) The Director of Tribal Welfare, after conducting due enquiry as envisaged under the Act and Rules and also as per guidelines issued by the Government from time to time and submitted his report, as such the allegations by the appellant are entirely false and baseless. The cancellation orders were passed by the Dist. Collector basing on the reports of the Collector, Guntur District, Director (Tribal Welfare), Superintendent of Police, Guntur and Collector, Ranga Reddy District.
- xii) The orders passed by the Collector, RR District have been furnished to the appellant along with findings of DLSC as such the allegations that findings of DLSC are not furnished to him are not correct. The appellant was given ample opportunity to defend his case on different dates of hearing as mentioned above – and after hearing the matter duly verifying material papers on record, matter was referred to DLSC and as per findings of DLSC, Collector, RR District has passed orders cancelling the caste certificate issued by MRO Saroornagar Mandal.

(Contd...16)

- xiii) The appellant contended that there is no bar under the Constitution for migrating from one place to another place and further there is no bar under the Act and Rules for issuing a Caste Certificate to a person or candidate if migrates from one place to another place with the State are true, but the burden of proof vests with the appellant to prove that himself and his forefathers were residents of erstwhile Visakhapatnam District and belongs to Kondakapu ST community, but he failed to prove the same filing relevant documentary evidences. He should have filed caste certificates issued if any to his grandfather or any other ancestors by the revenue authorities of erstwhile Visakhapatnam, wherein the Kondakapu caste is existing.
- xiv) Any certificate obtained by appellant by playing fraud and misrepresenting the facts is not valid under law and liable for cancellation. The appellant even after giving considerable time to represent his case, has failed to produce any documentary evidence to show that the family hails from erstwhile Visakhapatnam district and that his family belongs to ST Kondakapu. As there are no ST Kondakapu caste people in Narsaraopet Mandal of Guntur and Saroornagar Mandal of Ranga Reddy District, the caste certificates issued by the concerned MROs are without any jurisdiction and without any proper enquiry and are not based on authenticated records, as such the same are not valid under law. Therefore, the appellant is not entitled for any relief as sought for in the Appeal and prayed that the appeal may be dismissed as it is not supported by any documentary evidences to prove that he belongs to ST Kondakapu community.

13. In the reference 20<sup>th</sup> cited, notices were issued to concerned to Called on 07.03.2020 at 3.00 PM – all were absent except RDO, Kandukur present with record and adjourned to 04.04.2020. Due to prevailing Covid situation, the case will be heard along with the other cases.

14. In the reference 21<sup>th</sup> cited, notices were issued to concerned to called on 29.09.2020 at 3.00 PM - Both appellant and his counsel called absent.

15. The Government has examined the evidences available on record, the appellant i.e P.Srinivasulu S/o Late P.Yadagiri called absent in all the hearings before the Government. The Appeal is pending before the Government since 23.01.2009 without any valid reasons. It appears the appellant is intentionally making efforts to drag on the case. Before the DLSC and before the Government in Appeal, he contended that his forefathers hail from Visakhapatnam Agency area, migrated to Guntur, Krishna and Ranga Reddy Districts; father obtained caste certificate from MLA Madgula Constituency; caste status of father was never questioned for promotions in service and entries in his school records also shown his caste as ST Kondakapu, do not suffice in the absence of corroborative documentary evidences.

16. Therefore, the Government does not find any valid reason to hold the case any longer.

17. Accordingly, Government hereby uphold the orders passed by the District Collector, Ranga Reddy District in Proceedings Rc.No.C2/6214/2002, dt.11.9.2008 duly dismissing the appeal filed by the appellant Sri P. Srinivasulu S/o. Late P.Yadagiri, Occ: ASI (M) Group Centre (now posted in 193 Bn), CRPF, R/o. H.No. 13-127, P&T Colony, Dilshuknagar, Hyderabad. The interim stay granted by the Hon'ble High Court in WPMP No.3847 of 2009 in WP No.2996 of 2009 on 16.2.2009 and further continued by final order dated 20.7.2011 becomes inoperative.

(Contd...17)



::17::

18. The Collector and District Magistrate, Ranga Reddy District shall take necessary action in the matter.

19. The connected record (File bearing No. C2/6214/2002, containing pages N.F. 23 pages & C.F. 550 pages) received from the Collector and District Magistrate, Ranga Reddy District through 19<sup>th</sup> read above are returned herewith to Collector and District Magistrate, Ranga Reddy District and requested to acknowledge the receipt of the same immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**Dr.CHRISTINA Z.CHONGTHU  
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Ranga Reddy District (w.e) (By RPAD)
2. Sri P. Srinivaslu S/o. Late P.Yadagiri,  
Occ: ASI (M) Group Centre, (now posted in 193 Bn),  
CRPF, Barakas, Chandrayana Gutta, Hydererabad (Telangana)-05  
R/o. H.No. 13-127, Dilshuknagar, Hyderabad. (By RPAD)

Copy to:

1. The Dy. Inspector General of Police, Group Centre,  
C.R.P.F, Barakas, Chandrayana Gutta, Hydererabad , Telangana -05  
(for information and necessary action)
2. The Commandant 193 Bn, C.R.P.F, Barakas, Chandrayana Gutta,  
Hydererabad , Telangana -05  
(for information and necessary action)
3. The Govt.Pleader for Social Welafare, High Court Building, TS, Hyderabad
4. The Commissioner of Tribal Welfare, TS, Hyderabad (for information)
5. The P.S. to Minister for ST Welfare (for information)
6. The PS to Secretary to Govt. (TW)
7. The PS to Special Secretary to Govt.(TW)
8. SF/SC.

**//FORWARDED :: BY ORDER//**

**SECTION OFFICER**